

Victoria's death has left a void in the community and in the lives of the people closest to her. I am honored to have known her and to have witnessed the positive change she pioneered.

To the Baca family and all those who knew, loved, and respected her, I offer my deepest condolences.

### BIDEN PILES UP RED TAPE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, it appears that the Biden administration is going to do everything it possibly can to destroy our economy and hurt working-class people.

Headline in today's Washington Times: "Biden piles up red tape after Trump's trims: Long arm of regulation reaches businesses for vague objectives."

"President Biden accelerated the regulatory state on his first day in office by ordering agencies to consider aspirational but vaguely defined goals and benefits when imposing new rules on businesses large and small.

"The order greenlighting regulations even when the benefits 'are difficult or impossible to quantify' sent shudders down the spines of CEOs. They fear business growth will be smothered in pursuit of vague objectives such as 'human dignity' and 'the interests of future generations.'"

"It is the most aggressive thing I have ever seen by an administration," said Doug Holtz-Eakin. "It is one thing to put out a bunch of regulations, but this changes the way regulation is done. It allows you to jam through any regulation you want regardless of the impact [on] the private sector."

We know we are having historic increased inflation and historic debt levels and now regulations. It is a disaster coming.

### PROVIDING URGENT MATERNAL PROTECTIONS FOR NURSING MOTHERS ACT

Mr. SCOTT of Virginia. Madam Speaker, pursuant to House Resolution 716, I call up the bill (H.R. 3110) to amend the Fair Labor Standards Act of 1938 to expand access to breastfeeding accommodations in the workplace, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 716, an amendment in the nature of a substitute recommended by the Committee on Education and Labor, printed in the bill, modified by the amendment printed in part C of House Report 117-137, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3110

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Urgent Maternal Protections for Nursing Mothers Act" or the "PUMP for Nursing Mothers Act".

#### SEC. 2. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

(a) EXPANDING EMPLOYEE ACCESS TO BREAK TIME AND PLACE.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 7, by striking subsection (r);

(2) in section 15(a)—

(A) by striking the period at the end of paragraph (5) and inserting "; and"; and

(B) by adding at the end the following:

"(6) to violate any of the provisions of section 18D.";

(3) in section 16(b) by striking "7(r) or 15(a)(3)" each place the term appears and inserting "15(a)(3) or 18D"; and

(4) by inserting after section 18C the following:

#### "SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE WORKPLACE.

"(a) An employer shall provide—

"(1) a reasonable break time for an employee to express breast milk each time such employee has need to express breast milk for the 2-year period beginning on the date on which the circumstances related to such need arise; and

"(2) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

"(b)(1) Subject to paragraph (2), an employer shall not be required to compensate an employee receiving break time under subsection (a)(1) for any time spent during the workday for such purpose unless otherwise required by Federal or State law or municipal ordinance.

"(2) Break time provided under subsection (a)(1) shall be considered hours worked if the employee is not completely relieved from duty during the entirety of such break.

"(c) An employer that employs fewer than 50 employees shall not be subject to the requirements of this section, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

"(d) No provision of this section or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance that provides greater protections to employees than the protections provided for under this section.

"(e)(1) Subject to paragraph (2), before an employee commences an action to recover liability under section 16(b) for a violation of paragraph (a)(2), the employee shall inform the employer of the failure to provide adequate place and provide the employer with 10 calendar days after such notice is provided to come into compliance with subsection (a)(2) with respect to such employee.

"(2) Paragraph (1) shall not apply in the case that—

"(A) the employee has been discharged because the employee has made a request for break time or place under this section or has opposed any employer conduct related to this section; or

"(B) the employer has indicated that the employer has no intention of complying with subsection (a)(2).

"(f) The circumstances described in subsection (a)(1) arise if an employee—

"(1) begins providing breast milk for a nursing child; or

"(2) gives birth, including to—

"(A) a stillborn child; or

"(B) a child over whom the employee does not retain legal custody.

"(g)(1) This action shall apply to an air carrier, as defined in section 40102 of title 49, United States Code, subject to the following requirements:

"(A) In providing a break described in subsection (a)(1) to a crewmember, an employer shall not be required to—

"(i) completely relieve such crewmember from duty during break time taken during flight time; or

"(ii) provide such a break during critical phases of flight.

"(B) Nothing in this subsection shall require an employer to incur significant expense, when considered in relation to the size, financial resources, nature, or structure of the employer's business, to retrofit an aircraft.

(2) In this subsection—

(A) the terms 'flight time' and 'crewmember' have the meaning given such terms in section 1.1 of title 14, Code of Federal Regulations; and

(B) the term 'critical phases of flight' has the meaning given the term in 121.542 of title 14, Code of Federal Regulations."

(b) CLARIFYING REMEDIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended by striking "15(a)(3)" each place the term appears and inserting "7(r) or 15(a)(3)".

(c) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance with respect to employer compliance with section 18D of the Fair Labor Standards Act of 1938, as amended by this Act, which shall be similar, with respect to specific examples of compliance, to the guidance relating to "Supporting Nursing Moms at Work" published on the website of the Office on Women's Health of the Department of Health and Human Services as of such date of enactment.

(d) CONFORMING COVERAGE OF CERTAIN OTHER EMPLOYEES.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(1) by striking "and section 12(c)" and inserting "section 12(c), and section 18D"; and

(2) by inserting "18D" after "212(c)".

#### SEC. 3. EFFECTIVE DATE.

(a) EXPANDING ACCESS.—Except as provided in subsection (c), the amendments made under sections 2(a) and 2(d) shall take effect on the date that is 120 days after the date of enactment of this Act.

(b) REMEDIES AND CLARIFICATION.—The amendments made under section 2(b) shall take effect on the date of enactment of this Act.

(c) APPLICATION OF LAW.—Section 18D of the Fair Labor Relations Act of 1938 (as added by section 2) shall not apply to crewmembers of an air carrier, as defined in section 40102 of title 49, United States Code, until the date that is 1 year after the date of enactment of this Act.

#### SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Labor, shall propose regulations, as appropriate, to—

(1) identify appropriate means for air carriers, as defined in section 40102 of title 49, United States Code, to comply with subsection (b)(1) of section 18D of the Fair Labor Standards Act of 1938 during flight time; and

(2) update title 14, Code of Federal Regulations, to ensure that expressing breast milk is considered a physiological need.

The SPEAKER pro tempore. The bill, as amended, is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.